

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEANNIE ATIENZA, et al.,  
Plaintiffs,  
v.  
ANDREW HALL, et al.,  
Defendants.

Case No. [19-cv-03440-RS](#)

**ORDER DENYING MOTION FOR  
LEAVE TO FILE MOTION FOR  
RECONSIDERATION**

In June 2019, Plaintiff Jeannie Atienza, individually and as a successor-in-interest to Laudemer Arboleda, filed this federal civil rights action against Defendants, including Officer Andrew Hall. On August 4, 2021, Officer Hall’s motion for summary judgment was denied. Officer Hall now moves for leave to file a motion for reconsideration under Civil L.R. 7-9(b)(1).

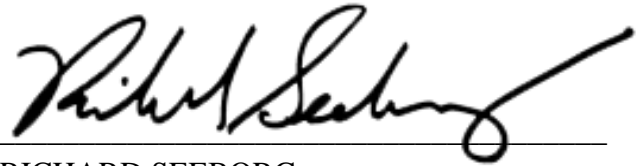
A party who wishes to move for reconsideration of an interlocutory order must first seek leave to file such a motion under Civil L.R. 7-9. Under Civil L.R. 7-9(b)(1), the party must show that “a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought” and that “in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order.”

Officer Hall has not satisfied the Civil L.R. 7-9(b)(1) requirements. Officer Hall argues that *Earl v. Campbell*, \_\_ F. App’x \_\_, 2021 U.S. App. LEXIS 16268 (9th Cir. June 1, 2021), and the subsequent denial of the *Earl* plaintiff’s petition for rehearing en banc, represent a material

1 change in the law. *Earl* is an unpublished Ninth Circuit memorandum disposition, filed on June 1,  
2 2021, nearly two months before the oral arguments on the motion for summary judgment. This  
3 unpublished decision, applying settled law to the facts unique to that case, is not a basis for  
4 granting leave to seek reconsideration. Further, Officer Hall has not shown reasonable diligence in  
5 bringing *Earl* to the court's attention. Accordingly, the motion for leave to seek reconsideration is  
6 denied.

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8 **IT IS SO ORDERED.**

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10 Dated: September 15, 2021



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12 RICHARD SEEBORG  
13 Chief United States District Judge  
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